IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3821 OF 2004
IN
INCOME TAX APPEAL NO. 259 OF 2003

Shri Pran Kishan Sikand .. Appellant
V/s.
Asst. Commissioner of Income Tax
Circle-11(1), Mumbai & Anr. .. Respondents

Mr. P. Pungaliya for the Appellant
Mr. R.V. Desai with Mr. R. Ashokan for the Respondents

CORAM : S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.
DATED : 22.02.2005

P.C.:-

1. Heard the learned counsel for the Appellant and the learned counsel for the Respondents. Perused the Affidavit in support of the Notice of Motion. By this Notice of Motion, the Appellant is seeking recall of our order dated 13.12.2004, whereby the above Appeal was dismissed for want of prosecution. For the reasons stated in the Affidavit in support of the Motion, sufficient cause is made out. There is no case of inaction, negligence or want of bonafide. The Notice of Motion is made absolute in terms of prayer clause (a).

(S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)